

REMARKS

By amendments filed herewith, applicant has added a single claim numbered 10. Therefore, Claims 1-10 are now pending in the application.

Claim 1 stands objected to for a listed informality. Claims 1-9 stand rejected under 35 U.S.C. 102(e) as anticipated by Leijonhufvud (20040076282). Applicant, respectfully, traverses both the object and the grounds and basis for the rejection based on prior art for the reasons which follow:

Objection to Claim 1:

The Examiner has objected to the use of the phrase "the target addresses" as used in claim 1 as being misleading and unclear as to which addresses the applicant refers.

In response, applicant would urge that the phrase should not be read in a vacuum, but should be read in the context of the overall disclosure. The disclosure relates to an invention involving communications and particularly in the field of telephone useage and text messages. Clearly one skilled in this art would recognize that "target addresses" (eg. a telephone number, etc) is that information corresponding to the entity that the caller is calling (ie. targeting) which will assure that the call or message is directed to the individual or entity to which it is directed. Address useage, whether in the telephonic communication, email systems or land mail have always assisted in getting the sent message to the location for delivery. This is consistent with the overall disclosure presented in the present application.

Therefore, applicant would, respectfully, urge that the Examiner reconsider and withdraw the present objection to claim 1.

Rejection under 35 USC 102(e):

At pages 2-7, the Examiner sets forth the rejection of claims 1-9 under 35 USC 102 (e) as anticipated by Leijonhufvud (20040076282).

Initially, applicant would urge that Leijonhufvud relates to a completely different field to which the present invention relates. The present invention, as described in the Specification, relates to a method of improving telephonic communications, which, in its preferred form, involves a call centre which receives and processes mobile phone text messages. The Leijonhufvud reference relates to a "Queue Number Surveillance" system. While the Examiner has been able to identify certain features which the two systems may be regarded as sharing, it remains that the systems described as very different and function in completely different ways to accomplish completely different results.

Applicant would urge that the "control device" (5) referenced in paragraph 19 of the reference is not a call centre of the type described in the present disclosure and required by the present claims. Applying a normal purposive construction to a "call centre" it is normally a place where people work to process calls and deal with customer inquiries, etc, or something similar. A call centre is not an electronic box per se and applicant would urge that the interpreting the term as meaning otherwise is to fail to apply a fair and reasonable interpretation. Words should not be given un-natural meanings the result of which is to frustrate the clear intent of a specification. Applicant would note particularly that, as described in paragraph 19, the user of the Leijonhufvud device enters or registers only "a

queue number and a telephone number.” This is not a text message intended for an addressee. There is no real message intended for another entity or individual. In the system of the reference, a return call or message is sent to inform the individual when their number in the queue is approaching.

In this regard, Leijonhufvud fails to teach or suggest that the incoming text message be sent to a call centre or call centres corresponding to the respective target address. (Claim 1, paragraph c). It rather sends a text message back to the caller’s telephone. Also, the system of Leijonhufvud does not function as required by claim 1, paragraph e “by forwarding a return text message call to the telephone concerned, **the return text message call containing details as to when a return telephonic voice call will be made from the call centre to the holder of the telephone,**” (Emphasis added.). This is a required element of the present method which is not taught or suggested by the reference. In addition, the claimed method requires a two separate actions by the call centre. The first is the sending of a text message which contains details as to when a return telephonic voice call will be made from the call centre to the holder of the telephone (Step e of claim 1) and second is the call centre making the respective return telephonic voice call at the time indicated (Step f of claim 1). At best it can be argued that the device of Leijonhufvud makes a single call/message to a telephone once entered into the system. Thus, Leijonhufvud fails to teach or suggest these steps of the presently claimed method.

With regard to the remaining claims 2-9, all depend on claim 1 and therefore include each of the limitations discussed with regard to claim 1 above.

In addition, applicant would note that with regard to claim 4, the claim language

specifically requires that “when the text messages calls are received at the text centre means **such messages are routed to a server of the text centre means**, which then directs the messages to the call centre or centres as at step “c”.” (Emphasis added.). In rejecting claim 4, the Examiner references paragraph 36 of the reference. However, there is no mention of a server in paragraph 36 or in the rest of the reference. Thus, as to claim 4, the claim includes specific limitations not disclosed or suggested by the reference relied upon.

Similarly, with regard to claims 5, 6, 7, 8, 9 and newly added claim 10, all of these claims require “the call list being used by a worker at the call centre”. Newly presented claim 10, in an effort to make clear that the call centre is manned, requires a “team of people”. The device of Leijonhufvud is an automated system. There is no workers, individuals or people present at the call centre as specifically required by these claims. Thus, the reference relied on, also fails to teach this specific limitation of these claims.

Applicant would urge that anticipation requires the disclosure, in a single prior art reference, of each element of the claim under consideration. W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Here, claims 1 -9, include specific limitations which Leijonhufvud fails to account for or describe. Thus, with regard to these claims, Leijonhufvud (20040076282) fails to disclose every limitation present in the claims and therefore can not reasonably be said to anticipate the claimed invention within the meaning of 35 U.S.C. 102(e).

Thus, applicant respectfully requests the Examiner to reconsider and withdraw the rejection of the mentioned claims as unpatentable over Leijonhufvud.

CONCLUSION

In conclusion, applicant have presented arguments relating to both the ground of objection and the ground of rejection set forth in the Office action of March 28, 2006. Applicant, respectfully, requests that the Examiner reconsider these objections and rejections and find all claims allowable. If a telephone conference would aid in the prosecution of this case in any way, the Examiner is invited to call the undersigned at 703-550-1968.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 50-3321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3321.

Respectfully submitted,

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